

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10741 of 1998

with

CIVIL APPLICATION No 10803 of 1999

For Approval and Signature:

Hon'ble MISS JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

BANASKANTHA DISTRICT COOP MILK PRODUCERS UNION LTD

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 10741 of 1998
MR TUSHAR MEHTA for Petitioner No. 1-2
MS HARSHA DEVANI A.G.P. for Respondent No. 1-4
MS MEGHA JANI for Respondent No. 1,5

CORAM : MISS JUSTICE R.M.DOSHIT

Date of decision: 07/03/2003

ORAL JUDGEMENT

1. The petitioner before this Court is the
Banaskantha District Co-operative Milk Producers Union

Ltd., a specified Society (hereinafter referred to as "the Society") and one another. It appears that the election of the Board of Directors of the Society was held on 8th December, 1998. The result thereof, was declared on 9th December, 1998. The meeting for election of the Chairman and Vice Chairman was scheduled on 24th December, 1998. However, the Society has, under apprehension that the said meeting may not be presided over by the Election Officer and a Custodian for the management of the Society may be appointed, filed the present petition. Pending this petition, under communication dated 23rd December, 1998, the Election Officer informed the Society that the election of the Chairman and Vice Chairman scheduled on 24th December, 1998 was postponed for the reasons recorded therein. It is, therefore, prayed that the District Collector the respondent no.3 be directed to preside over the meeting of the Board of Directors of the Society scheduled on 24th December, 1998; that the communication dated 23rd December, 1998 be quashed and set aside; that the respondent authority be directed not to appoint custodian under Section 74-D of the Gujarat Co-operative Societies Act, 1961.

The Society being a specified Society the term of elected Directors is three years, as envisaged under Section 74 (C) (2) of the Act.

By the very nature of the reliefs claimed in this petition and the passage of time the said reliefs cannot be granted. Hence the petition is dismissed. Rule is discharged. Interim-relief if any, stands vacated. The Civil Application no.10803 of 1999 stands disposed of.

[Ms.R.M. Doshit, J.]
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